From:

"Mark Palmer" <mpalmer@gordley.com>

To:

<fb4p@oce.usda.gov>

Date:

Mon, Oct 16, 2006 2:13 PM

Subject:

RINs #: 0503-AA30 / 0503-AA31

Please find attached the biobased submission on behalf of the American Soybean Association.

If you need to contact me please feel free to call me at the number listed below, or by email at mpalmer@gordley.com

MMP

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(14)



Comments of USDA's proposed Item Designations Submitted by the American Soybean Association

October 16, 2006

Mr. Marvin Duncan U.S. Department of Agriculture Office of the Chief Economist – Office of Energy Policy and New Uses Room 4059, South Building 1400 Independence Avenue SW, MS-3815 Washington, DC 20250-3815

Dear Mr. Duncan:

Thank you for the opportunity to comment, and thank you for the Department's work on biobased products and biobased procurement. The nearly 25,000 American Soybean Association growers appreciate these critical steps forward to toward implementation of the 2002 Farm Bill Energy Title, and appreciate the relationship with the Department.

I. Introduction

On August 17, 2006, in two separate notices in the *Federal Register* (71 FR 47566 and 71 FR 47590), the United States Department of Agriculture (USDA) proposed to designate 20 biobased items that would be afforded Federal purchasing preference under Section 9002 of the Farm Security and Rural Investment Act of 2002.

In its proposed rules, USDA states that it "invites comment on the proposed designation of these ... items, including the definition, proposed minimum biobased content, and any of the relevant analyses performed during the selection of these items." In addition, USDA states that it "is inviting comments" on several other specific issues, including whether there should be separate item designations for hand cleaners and sanitizers, separate item designations for spray foam and rigid foam board wall insulation, information on various characteristics of items that might overlap with EPA's CPG program, performance standards for the proposed designated items, and positive

environmental and human health attributes of the biobased products.

II. Item Definitions

USDA is proposing a definition for each item that it is proposing to designate. In general, the definitions seem reasonable. However, there a few definitions that could be clarified to make them more technically correct.

A. Insulating Foam for Wall Construction

USDA is proposing the following definition for "Insulating Foam for Wall Construction"- "products designed to provide a sealed thermal barrier for residential or commercial construction applications." Biobased spray foam can and is used in more than walls. Spray foam insulation can be installed in walls, floors and ceilings. Therefore, a more appropriate definition would be:

Insulating Foam for Building Construction – foam insulating products designed to provide a sealed thermal barrier for residential or commercial building construction applications, including walls, ceiling, attics and crawl spaces"

B. Carpets

USDA is proposing the following definition for "Carpets": "floor coverings composed of woven fibers, with a backing." If USDA wants to have a single designated item for carpet and backing, the definition should be amended to better reflect the various ways carpets are made as follows:

Carpet - Floor coverings composed of woven, tufted or knitted fiber and a backing system.

In its proposal, USDA states that "[b]iobased carpet can be composed of a biobased face or a biobased backing or both (i.e., both the face and backing are biobased). USDA is proposing in today's notice that the minimum biobased content for carpet be based on the total product; that is, on both the carpet's face and backing. USDA is seeking comment on whether separate minimum biobased contents should be set for the face and for the backing."

USDA's item definition for carpet apparently would cover broadloom carpet, carpet tiles, and their respective backing systems. However, in its Federal Register Notice, USDA discusses how it set the minimum biobased content for carpet based on the samples it tested. The Agency states that "[f]or each of the carpet samples tested, the biobased component of the carpet sampled was the material used in the backing" It appears, therefore that USDA is setting the overall biobased content for "carpet" based on tested samples that had biobased content in the backing system but not in the carpet face.

The way carpets are constructed and the data that USDA currently has would seem to support creating a carpet item designation that has subcategories as follows:

Fiber face (broadloom) —materials that are used to make the face of carpet produced in widths generally wider than six feet

Fiber face (modular) – materials that are used to make the face of carpet produced in squares generally varying in measurements from 18 inches to 36 inches

Backing Systems - includes primary, secondary and attached cushion

This approach would be compatible with the way federal agencies make carpet purchasing decisions. In selecting carpets, agencies have to decide if they want broadloom or carpet tile, and then what type of face fiber (e.g., polyester, nylon, wool), type of pile (e.g., cut, loop), the weight of the face, the color and pattern, and the backing systems. All of these aspects of a carpet have to fit together to achieve the performance that the purchaser needs.

Because there are many choices to consider when buying carpet, both EPA's CPG program and it EPP program have provided some guidance on carpet purchasing to federal agencies. Both recommend that the buyer refer to information provided by the Carpet and Rug Institute (CRI). CRI has an entire section on its website about what to consider when selecting commercial carpet, including considerations of look, size, weight, construction type (including the type of backing system), and coloring method.

Because buyers assemble a set of specification when they purchase carpet, having subcategories of designated biobased item for carpet would better inform potential buyers about the availability of biobased content in various parts of the carpet construction and in various carpet types (e.g., broadloom and tiles).

C. Stationary Equipment Hydraulic Fluids

USDA is proposing the following definition for "Stationary equipment hydraulic fluids": "hydraulic fluids formulated for use as a mechanical power transmission medium (and to provide wear, rust, and oxidation protection) in the hydraulic systems of stationary equipment"

USDA's proposed definition seems somewhat unclear. To provide clarity to the definition, USDA might consider the following:

Stationary equipment hydraulic fluids - fluids used in stationary hydraulic equipment systems that have various mechanical parts, such as cylinders, pumps, values, pistons, and gears, that are used for the transmission of power (and also for lubrication and/or wear, rust, or

oxidation protection).

D. Hand Cleaners and Sanitizers

USDA is proposing the following definition for "Hand Cleaners and Sanitizers": "personal care products formulated for use in removing a variety of different soils, greases, and bacteria from human hands with or without the use of water.

While USDA is proposing to designate a single item for hand cleaners and sanitizers, the Agency states that it is "seeking comment as to whether there are different performance standards for this item and, if so, whether USDA should consider either creating subcategories within this item, each with its own minimum biobased content, or limiting the scope of the current item and proposing one or more new items for hand cleaners and sanitizers. In your comments, please be sure to identify specific performance standards and rationale for either subdividing the current proposed item or for limiting the scope of the current proposed item and proposing one or more new items for hand cleaners and sanitizers."

Formulating for hand cleaning and hand sanitizing require different product ingredients to perform different functions. Killing bacteria is different from removing soils and grease. Sometimes ingredients can be combined to accomplish both functions, cleaning and sanitizing, but in other cases products are formulated to either clean or to sanitizer. For example in industrial shop settings, there are products available with biobased content that are formulated to remove greases, oils, tars, paints, etc. and are not designed as sanitizers.

If USDA wants to retain one designated item category for both, the definition could be modified to read:

Hand Cleaners and Sanitizers - Personal care products formulated for use in removing a variety of different soils, greases, and similar substances, and/or bacteria from human hands with or without the use of water.

Alternatively, given these differences in functionality and formulation, USDA could consider addressing Hand Cleaners and Sanitizers the way the agency approached Greases, that is by providing a general category definition and then listing and defining subcategories as follows:

Hand Cleaners and Sanitizers - Personal care products formulated for use in removing a variety of different soils, greases, and similar substances, or bacteria from human hands with or without the use of water.

Hand Cleaners - Personal care products formulated for use in

removing a variety of different soils, greases, and similar substances from human hands with or without the use of water.

Hand Sanitizers - Personal care products formulated for use in removing bacteria from human hands with or without the use of water.

Hand Cleaners and Sanitizers - Personal care products formulated for use in removing a variety of different soils, greases and bacteria from human hands with or without the use of water.

E. Adhesive and Mastic Removers and Graffiti and Grease Removers

Based on formulation and functionality, adhesive removers could be appropriately grouped with Graffiti and Grease Removers rather than with Mastic Removers. Products designed to remove asbestos, carpet and tile mastics can be formulated differently from products designed to remove glue, tape, gums and other adhesive materials. Products designed to remove adhesive can also formulated to remove greases and tars, graffiti paints, magic/permanent marker ink, and crayon.

To reflect various formulations in the marketplace, the designated item could be **Graffiti, Adhesive and Grease Removers** with the following revised definition:

Industrial solvent products formulated to remove automotive, industrial, or kitchen soils and oils, including grease, paint, and other coatings, from hard surfaces or to remove adhesive materials, including glue, tape, and gum, from various surface types.

The other designated item should be **Mastic Remover** with the following definition:

Industrial cleaning solvent products formulated for use in removing asbestos, carpet, and tile mastics.

Note: the qualifier "ceramic" tile should be dropped in the definition of mastic remover because mastics are using to lay down tiles made of a variety of materials.

III. Performance Standards

USDA states that it has "attempted to identify relevant and appropriate performance standards and other relevant measures of performance for each of the proposed items." USDA is requesting that information be submitted on "other such standards or relevant measures of performance for the proposed items."

Most of the "performance standards" listed by USDA in the proposals are not really performance standards but rather "test methods." Some of the test methods listed by USDA are relevant for meeting performance standards for some applications but not others. Some performance standards require the use of test methods not listed by USDA. Some require that a certain series of tests be "passed", others require achieving a maximum or minimum number on one or more tests, and others simply provide information that a user can rely on to determine if a product can be used under certain circumstances (e.g., high temperatures, low temperatures).

Test methods need to be differentiated from performance standards. Performance standards are commonly set by OEMs (e.g., John Deere, Caterpillar, Case) industry associations, government agencies, or third party consensus groups. A performance standard usually consists of meeting a set of criteria measured using one or more test methods. So, for example ISO establishes grades for hydraulic lubricants (e.g. ISO 32, 46, 68) based on specific tests. Examples of other lubricant standards are ones set by SAE, API, the National Marine Manufacturers Association, and JASCO. For hydraulic fluids, leading pump manufactures such as Dennison and Vickers set performance requirements. The steel industry has an anti-wear standard for hydraulics.

End-users are well aware of these performance standards because the operating manuals for their equipment will list the standards. End-users will want to know from a manufacturer if its product meets that performance standard. This can be accomplished by review a product's technical data sheet and/or talking with the manufacturer. Other products, such as glass cleaners may not have any recognized performance standards. In such cases, users may try a sample to determine if the product meets its needs. In other cases, such as carpets or insulation, specifications for purchase will be set by designers, architects, and/or engineers based on a specific projects needs. Manufacturers would have to show the buyers that they can meet the specification.

Therefore, rather than providing a list of test methods, USDA should provide manufacturers the opportunity to provide as much performance data as possible on the FB4P site when they list their products. This will provide information to potential buyers/users so that they can compare the performance data with the particular performance requirements they need for the product.

In addition, USDA should consider sponsoring an industry/government forum or meeting to discuss program implementation issues, including how best to identify and communicate performance standard information.

IV. Warranties

USDA states:

Some of the items being proposed for designation today may affect maintenance

warranties. As time and resources allow, USDA will work with manufacturers on addressing any effect the use of biobased products may have on maintenance warranties. At this time, however, USDA does not have information available as to whether or not the manufacturers will state that the use of these products will void maintenance warranties. USDA encourages manufacturers of biobased products to work with original equipment manufacturers (OEMs) to ensure that biobased products will not void maintenance warranties when used. USDA is willing to assist manufacturers of the biobased products, if they find that existing performance standards for maintenance warranties are not relevant or appropriate for biobased products, in working with the appropriate OEMs to develop tests that are relevant and appropriate for the end uses in which biobased products are intended. If despite these efforts there is insufficient information regarding the use of a biobased product and its effect on maintenance warranties, USDA notes that the procurement agent would not be required to buy such a product. As information is available on warranties, USDA will make such information available on its FB4P Web site.

USDA's offer of assistance in addressing the effect of biobased product use on maintenance warranties is appropriate and welcome. There are legitimate issues involving warranties that need to be considered. However, some times OEMs or contractors operating facilities or equipment for government agencies are simply resistant to change and use warranty issues as an excuse. USDA should consider creating a fact sheet about warranty myths and realities, including the type of questions buyers should ask OEMs and contractors to make sure that the warranty issue is real and not just an excuse not to use a biobased product. This would also be a good topic for a USDA sponsored industry/government forum or meeting to discuss program implementation issues.

V. Potential Overlap with EPA's CPG Program

USDA states:

Some of the biobased items designated for preferred procurement may overlap with products designated under the Environmental Protection Agency's (EPA) Comprehensive Procurement Guidelines program for recovered content products. Where that occurs, an EPA-designated recovered content product (also known as "recycled content products" or "EPA designated products") has priority in Federal procurement over the qualifying biobased product. In situations where USDA believes there may be an overlap, it plans to ask manufacturers of qualifying biobased products to provide additional product and performance information including the various suggested uses of their product and the performance standards against which a particular product has been tested. In addition, depending on the type of biobased product, manufacturers may also be asked to provide other types of information, such as whether the product contains petroleum-, coal-, or natural gas-based components and whether the product contains recovered materials. Federal agencies may also ask manufacturers for information on a product's biobased content and its profile against environmental and human health measures and life cycle costs (the Building for Environmental and Economic Sustainability (BEES) analysis or ASTM International (ASTM) Standard D7075 for evaluating and reporting on environmental performance of biobased products). Such information will assist Federal agencies in determining whether the biobased products in question are, or are not, the same products for the same uses as the recovered content products and will be available on USDA's Web site with its catalog of qualifying biobased products.

Where a biobased item is used for the same purposes and to meet the same requirements as an EPA-designated recovered content product, the Federal agency must purchase the recovered content product. For example, if a biobased hydraulic fluid is to be used as a fluid in hydraulic systems and "lubricating oils containing re-refined oil" has already been designated by EPA for that purpose, then the Federal agency must purchase the EPA designated recovered content product, "lubricating oils containing re-refined oil." If, on the other hand, that biobased hydraulic fluid is to be used to address certain environmental or health requirements that the EPA-designated recovered content product would not meet, then the biobased product should be given preference, subject to cost, availability, and performance

For proposed items (including insulating foam, stationary equipment hydraulic fluids, and carpet) where there may be overlap with products designated under EPA's Comprehensive Procurement Guideline, "USDA is requesting from manufacturers and users product specific information on unique performance attributes, environmental and human health effects, disposal costs, and other attributes that would distinguish biobased products from products containing recovered material, as well as non-biobased products." USDA states that it "will post this information on the FB4P Website." However, there may be less overlap between CPG items and designated biobased items than there appears to be at first glance.

A. Carpet

CPG Guidelines for carpet currently only apply to 1) carpet with a polyester face, and 2) separate detached "cushion" placed under the carpet during installation. Therefore, there currently would not be an overlap between CPG guidelines for polyester face and detached cushion and biobased content in carpet backing systems (including attached cushion).

EPA has proposed but not yet finalized additional CPG guidelines for nylon carpet face and backing with a recovered vinyl material content. Again, these categories would not overlap or conflict with biobased content in a carpet's polyurethane backing system (including attached cushion). Furthermore, EPA Guidelines would not require a buyer to purchase a carpet with a vinyl backing just because it is a CPG item. EPA has stated that a CPG/RMAN recommendation does not preclude a procuring agency from purchasing carpet made of other materials (e.g., polyurethane backing system versus vinyl backing. For performance reasons, a federal buyer may specify a polyurethane backing system because it has a number of performance advantages. For polyurethane laminate, these include preventing delamination and increasing product life, lowing VOCs levels, being compatible with low VOC adhesives used in installation, and creating a function liquid barrier for ease of cleaning (including the possibility of wick-back staining and adverse moisture effects). Attached polyurethane cushion offers the additional benefits of lessening

standing and walking fatigue by reducing heel strike and leg muscle response, reducing excess workplace sounds, resisting crushing and extending carpet life, and increasing thermal insulation.

Furthermore, there are polyurethane backing systems commercially available that contain both biobased and recycled/recovered material. In addition, it would be possible to make a carpet that had a face with recycled/recovered fiber content and a backing system with biobased content.

B. Insulating Foam

For insulating foam, EPA's CPG guidelines call for a 5% recycled content in "foam-in-place" insulation. However, a search of EPA's on-line CPG supplier database has no listings for foam-in-place insulation with a recycled content. A broader general web-based search also does not reveal any companies that indicated they are making spray foam insulation that contains a recycled/recovered material. If there are no commercially available spray foam products that meet the CPG definition, then in reality there will be no overlap or conflict with biobased spray foam insulation.

C. Hydraulic Fluids for Stationary Equipment

Finally, as a practical matter the overlap with biobased hydraulic fluids and CPG lubricating oils is likely to be limited. The CPG listed item is re-refined lubricating oils, which includes engine lubrication oil, hydraulic fluids, and gear oils. However, as a practical matter most re-refined oil is being used for motor/engine oil not hydraulic fluids. DLA's re-refined oil program is focused on motor/engine oil and not hydraulic fluids. A check of the DLA website, does not indicate any standards for, or purchase contract for, re-refined hydraulic fluid. Most of the re-refined oil vendors listed in EPA's CPG supplier database are selling re-refined motor/engine oil. Only one or two companies on the list appear to sell re-refined hydraulic fluids. Market factors appear to be directing the current supply of re-refined base oil stock into the engine oil segment, which probably makes sense given the size of that market. It is entirely possible, therefore, that federal buyers may have a difficult time finding, and very limited choices in buying, re-refined hydraulic fluids. If buyers want to replace petroleum-based hydraulic fluid products, biobased hydraulic fluids may be more available in the marketplace than re-refined hydraulics. Also, in situations where there are concerns for spills, readily biodegradable biobased hydraulic oil would be a better choice based on performance.

Finally, if more re-refined base stock oil becomes available in the market place, it is possible that manufacturers of hydraulic fluids could use a combination of vegetable oils and re-refined oil base stock to meet both biobased content and CPG Guidelines.

VI. Environmental and Human Health Attributes

USDA states:

Many biobased products within the items being proposed for designation will have positive environmental and human health attributes. USDA is seeking comments on such attributes in order to provide additional information on the FB4P Web site. This information will then be available to Federal procuring agencies and will assist them in making 'best value' purchase decisions.

Listed below are some of the benefits of using soy in industrial products.

A. Methyl Soyate

Methyl Soyate is a biobased solvent made from soybean oil. It is an excellent replacement of petrochemical solvents. It offers a number safety and environmental benefits including:

- High flash point (greater than 360 degrees F)
- Low Voc levels (<50 g/L)
- Low Toxicity
- Not Listed as a Federal Hazardous Air Pollutant
- Non-ozone depleting chemical
- Non SARA reportable chemical
- Readily biodegradable

B. Soy Polyol

The United Soybean Board supported a life cycle comparison of the environmental impacts of two soy polyol materials with a conventional petroleum-based polyol. A polyol is a primary ingredient in the manufacture of polyurethane foam products for a variety of applications. This modeling was conducted using the BEES (Building for Environmental and Economic Sustainability) software developed by the National Institute of Standards and Technology (NIST).

The environmental performance of the two soy polyols was compared to the petro polyol. With all environmental impacts being given equal weighting, the observed environmental impact scores for the two soy polyols showed only about one-quarter the level of those for the petro polyol.

Specifically, for global warming potential the results show over 2 kg of CO2 being taken out of the atmosphere per kg of soy polyol produced. In contrast, the LCI shows over 3.5 kg of CO2 added to the atmosphere per kg of petro polyol produced. In addition, the smog formation potential for soy polyol was favorable by a factor of 4X due to fewer NOx equivalents and volatile organic compounds (VOCs) being emitted.

c. Soy Lubricants

Soybean oil can be used in a variety of lubricant formulations. It can offer a number safety and environmental benefits including:

- Readily biodegradable
- Virtually non-toxic
- Low evaporation loss
- High Flash Point

Thank you for your consideration.

Sincerely,

American Soybean Association

From:

"Brenda Platt" <bplatt@ilsr.org>

To:

<fb4p@oce.usda.gov>

Date:

Mon, Oct 16, 2006 1:13 PM

Subject:

RIN number 0503-AA31 and AA30 "Proposed Designated Items"

Please find attached a pdf letter commenting on RIN number 0503-AA31-and RIN number 0503-AA30, "Proposed Designated Items." I am also pasting in our comments below.

Sincerely,

Brenda Platt Co-Director Institute for Local Self-Reliance 927 15th Street, NW, 4th FI Washington, DC 20005 tel: 202-898-1610 ext. 230 fax: 202-898-1612 bplatt@ilsr.org http://www.ilsr.org

October 16, 2006

RIN numbers: 0503-AA30 and 0503-AA31

RE: "Proposed Designation of Items"

Marvin Duncan

USDA

Office of the Chief Economist

Office of Energy Policy and New Uses

Room 4059, South Building, 1400

Independence Avenue, SW, MS-3815

Washington, DC 20250-3815

Dear Mr. Duncan:

Thank you for the opportunity to comment on the proposed rules for designation of biobased items for federal procurement (RIN numbers 0503-AA30 and 0503-AA31).



The Institute for Local Self-Reliance shares the federal government's goal to increase demand for biobased products, spur rural economic development through value-added agricultural products; and enhance the nation's energy security by substituting biobased products for products derived from imported oil and natural gas. We believe these goals can be better met by substantially increasing the minimum biobased content levels for many of the 20 items designated in the proposed rules.

In particular, we urge USDA to more clearly establish a minimum threshold for all products to meet in order to qualify as a biobased product. We note that the USDA eliminated products with 1 and 2 percent biobased content (in the case of biodegradable films) but did not exclude other products with low levels such as a wall insulation product with 11 percent biobased content or a 2-cycle engine oil with 10 percent content. Given that products are available in all categories with biobased content above 50 percent, we recommend the USDA consider a minimum threshold of 50 percent biobased content; that is, only products consisting of at least 50 percent biobased content would qualify for preferred procurement. This will increase demand for biobased products with higher biobased content and result in private sector development of new technologies to produce products meeting these higher levels. By setting the biobased content bar too low for many of the 20 designated items, the motivation to produce products with higher levels of biobased content has been removed.

Comments that Cross Categories

1. The USDA chose to include almost all products submitted, no matter how low their biobased content, and established a biobased minimum level three percentage points below the lowest test product results. For most of the designated products, the USDA used the following boilerplate language: "Because USDA does not have performance information to determine whether the products with biobased contents on the lower end of the range have unique or more desirable characteristics, USDA is proposing to set the minimum biobased content at a level that will include all of the products sampled."

We recommend that if the lower biobased content products cannot prove they offer better performance properties or meet certain application requirements, USDA should recommend higher biobased content products to stimulate product innovations that contain higher biobased levels. This holds particularly true for the following designated items: hand cleaners and sanitizers, composite panels, graffiti and grease removers, metalworking fluids, glass cleaners, food grade

greases, and biodegradable cutlery. Given the lack of information on exceptional performance properties of the lower biobased content products in these categories, we recommend establishing a minimum biobased content at 50 percent for these products.

It would be helpful to know the biobased content for each product tested, rather than the range, to better evaluate the minimum biobased content level recommended by USDA. For instance, the biobased content of ten of the 30 biobased fertilizers ranged from 74 to 100 percent. If nine of these tested at 100 percent, the USDA should consider setting the minimum content close to 100 percent rather then near the lowest biobased content tested product. We question the USDA strategy setoff setting the recommended minimum level for each product at three percentage points below the lowest biobased content level of the products tested. This seems a prescription for minimizing, not maximizing, biobased content.

- 2. Given the many outstanding public and environmental health issues surrounding the use of nanotechnology, we urge the USDA to exclude any biobased product containing nanoparticles from its preferential purchasing program. A major trend in the industry is to add nanoparticles to biobased products as one way to improve performance characteristics. There are no manufacturing standards, labeling regulations, safety guidelines for nanoparticle use and we do not yet understand what nanoparticles can do to our health and to the environment. Do not indirectly create a preferential procurement policy for products with nanoparticles.
- 3. We urge the USDA not to exclude biobased or natural-fiber products for which there was a mature market in 1972. This might give an unfair preference for synthetic products with a lower biobased content. Biodegradable films for use as leaf collection bags offer a good example. The proposed minimum biobased content for biodegradable films is 22 percent. For leaf collection bags, this will give a procurement preference to products that have 78 percent fossil-fuel based carbon over say a kraft paper leaf collection bag made from 100 percent plant matter. We question the wisdom of this preferential treatment.

Comments on Specific Items

1. Biodegradable Containers: Currently the infrastructure to compost biodegradable containers and other biodegradable products is not yet developed and available in most US communities. Biodegradable containers that replace single-use disposal containers that are not now recycled (such as polystyrene take-out containers) are preferable and deserve to be given procurement preference. However,

biodegradable beverage bottles that replace PET or HDPE bottles are not necessarily preferable as these displace a product for which an established recycling infrastructure exists. Biodegradable beverage bottles in today's recycling infrastructure would end up neither composted nor recycled but in the reject stream of almost all recycling facilities in the US. If the USDA procurement program were to increase demand for biodegradable beverage bottles, this would have severe negative economic repercussions for well-established plastic bottle recyclers. We are unclear what disposal assumption was used in the BEES analysis? This would impact the lifecycle assessment costs. Therefore, we recommend that at this time, the USDA definition for biodegradable containers specifically exclude beverage bottles.

2. Carpets: We recommend that the USDA set separate minimum biobased levels for carpet faces as compared to carpet backings. As noted in the proposed rulemaking, it is the backing that is biobased not the face of the products submitted. In keeping with our above recommendation for the USDA to set a minimum of 50 percent biobased content in order to qualify as a biobased product, carpet backing would qualify.

Carpet is one designated item where the overlap with the federal recycled-content preferable purchasing program could cause problems. The rulemaking indicates that recycled content trumps biobased content. Some carpet backing is made from recycled polyvinyl chloride (PVC). As the production of PVC has serious environmental health impacts that are not captured in the BEES analysis (such as dioxin production, reproductive toxicity and neurotoxicity), we urge the USDA to have the biobased procurement preference take priority over the recycled-content preference in this category. This is one clear case where using a biobased material is preferable to recycled-content.

3. Biodegradable Cutlery: In Sec. 2092.30, the definition in part states, "...that are capable of meeting ASTM D5338 standard for biodegradability." Isn't this the test method for the standard? Shouldn't the standard be ASTM D6400? The definitions for biodegradable containers and for biodegradable films refer to ASTM D6400 as the standard, not ASTM D5338.

Given the availability of biodegradable cutlery products containing 100 percent biobased content, we urge the USDA to set the minimum content near 100 percent. The 33 percent level is ridiculously low.

Thank you for considering these recommendations and comments.

Sincerely,

Brenda Platt Co-Director 202-898-1610 ext. 230 bplatt@ilsr.org

INSTITUTE FOR LOCAL SELF-RELIANCE

IUSR

927 15th Street, NW 4th Floor Washington, DC 20005-2328 Phone (202) 898-1610 Fax (202) 898-1612

October 16, 2006

RIN numbers: 0503-AA30 and 0503-AA31 RE: "Proposed Designation of Items"

Marvin Duncan USDA Office of the Chief Economist Office of Energy Policy and New Uses Room 4059, South Building, 1400 Independence Avenue, SW, MS-3815 Washington, DC 20250-3815

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October 16, 2006 Page 2

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1. The USDA chose to include almost all products submitted, no matter how low their biobased content, and established a biobased minimum level three percentage points below the lowest test product results. For most of the designated products, the USDA used the following boilerplate language: "Because USDA does not have performance information to determine whether the products with biobased contents on the lower end of the range have unique or more desirable characteristics, USDA is proposing to set the minimum biobased content at a level that will include all of the products sampled."

We recommend that if the lower biobased content products cannot prove they offer better performance properties or meet certain application requirements, USDA should recommend higher biobased content products to stimulate product innovations that contain higher biobased levels. This holds particularly true for the following designated items: hand cleaners and sanitizers, composite panels, graffiti and grease removers, metalworking fluids, glass cleaners, food grade greases, and biodegradable cutlery. Given the lack of information on exceptional performance properties of the lower biobased content products in these categories, we recommend establishing a minimum biobased content at 50 percent for these products.

It would be helpful to know the biobased content for each product tested, rather than the range, to better evaluate the minimum biobased content level recommended by USDA. For instance, the biobased content of ten of the 30 biobased fertilizers ranged from 74 to 100 percent. If nine of these tested at 100 percent, the USDA should consider setting the minimum content close to 100 percent rather then near the lowest biobased content tested product. We question the USDA strategy setoff setting the recommended minimum level for each product at three percentage points below the lowest biobased content level of the products tested. This seems a prescription for minimizing, not maximizing, biobased content.

- 2. Given the many outstanding public and environmental health issues surrounding the use of nanotechnology, we urge the USDA to exclude any biobased product containing nanoparticles from its preferential purchasing program. A major trend in the industry is to add nanoparticles to biobased products as one way to improve performance characteristics. There are no manufacturing standards, labeling regulations, safety guidelines for nanoparticle use and we do not yet understand what nanoparticles can do to our health and to the environment. Do not indirectly create a preferential procurement policy for products with nanoparticles.
- 3. We urge the USDA not to exclude biobased or natural-fiber products for which there was a mature market in 1972. This might give an unfair preference for synthetic products with a lower biobased content. Biodegradable films for use as leaf collection bags offer a good example. The proposed minimum biobased content for biodegradable films is 22 percent. For leaf collection bags, this will give a procurement preference to products that have 78 percent fossil-fuel based carbon over say a kraft paper leaf collection bag made from 100 percent plant matter. We question the wisdom of this preferential treatment.

Comments on Specific I tems

1. Biodegradable Containers: Currently the infrastructure to compost biodegradable containers and other biodegradable products is not yet developed and available in most U S communities.

October 16, 2006 Page 3

Biodegradable containers that replace single-use disposal containers that are not now recycled (such as polystyrene take-out containers) are preferable and deserve to be given procurement preference. However, biodegradable beverage bottles that replace PET or HDPE bottles are not necessarily preferable as these displace a product for which an established recycling infrastructure exists. Biodegradable beverage bottles in today's recycling infrastructure would end up neither composted nor recycled but in the reject stream of almost all recycling facilities in the US. If the USDA procurement program were to increase demand for biodegradable beverage bottles, this would have severe negative economic repercussions for well-established plastic bottle recyclers. We are unclear what disposal assumption was used in the BEES analysis? This would impact the lifecycle assessment costs. Therefore, we recommend that at this time, the USDA definition for biodegradable containers specifically exclude beverage bottles.

2. Carpets: We recommend that the USDA set separate minimum biobased levels for carpet faces as compared to carpet backings. As noted in the proposed rulemaking, it is the backing that is biobased not the face of the products submitted. In keeping with our above recommendation for the USDA to set a minimum of 50 percent biobased content in order to qualify as a biobased product, carpet backing would qualify.

Carpet is one designated item where the overlap with the federal recycled-content preferable purchasing program could cause problems. The rulemaking indicates that recycled content trumps biobased content. Some carpet backing is made from recycled polyvinyl chloride (PVC). As the production of PVC has serious environmental health impacts that are not captured in the BEES analysis (such as dioxin production, reproductive toxicity and neurotoxicity), we urge the USDA to have the biobased procurement preference take priority over the recycled-content preference in this category. This is one clear case where using a biobased material is preferable to recycled-content.

3. Biodegradable Cutlery: In Sec. 2092.30, the definition in part states, "...that are capable of meeting ASTM D 5338 standard for biodegradability." Isn't this the test method for the standard? Shouldn't the standard be ASTM D6400? The definitions for biodegradable containers and for biodegradable films refer to ASTM D6400 as the standard, not ASTM D5338.

Given the availability of biodegradable cutlery products containing 100 percent biobased content, we urge the USDA to set the minimum content near 100 percent. The 33 percent level is ridiculously low.

Thank you for considering these recommendations and comments.

Brado Plant

Co-Director 202-898-1610 ext. 230 bplatt@ilsr.org From:

"Cindy Eikenberg" <ceikenberg@earthshell.com>

To:

<fb4p@oce.usda.gov>

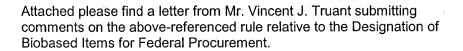
Date:

Mon, Oct 16, 2006 11:25 AM

Subject:

Comments - Proposed Rule, Federal Register 7 CFR Part 2902

Dear Mr. Duncan,



Thank you,

Cindy Eikenberg

EarthShell Corporation

CC: "Nevling" <nevling@comcast.net>, "Kevin Fay" <fay@alcalde-fay.com>, <martha.steinbock@ars.usda.gov>



October 11, 2006

Mr. Marvin Duncan
Office of the Chief Economist,
Office of Energy Policy and New Uses
U.S. Department of Agriculture
Room 4059, South Building, MS-3815
1400 Independence Avenue, S.W.
Washington, DC 20250-3815
fb4p@oce.usda.gov

Dear Mr. Duncan:

EarthShell Corporation is submitting these comments on the Proposed Rule published in the Federal Register 7 CFR Part 2902, Designation of Biobased Items for Federal Procurement.

EarthShell is fully supportive of the approach taken by the USDA to include as many good performing biobased product alternatives to traditional non-biobased items as possible. This approach allows the widest possible use of biobased alternatives and the crop-based materials from which they are derived, thereby helping U.S. farmers, including those in rural areas.

These comments specifically address the sections on Biodegradable Containers.

EarthShell Corporation believes that the requirement to meet ASTM D6400 "Standard Specifications for Compostable Plastics" is not an appropriate definition for the category of Biodegradable Containers for inclusion on the Biobased Products List. This test methodology is relatively new and not widely used or accepted at this time. The cost requirements for this test may make it unaffordable to many small or start-up businesses; making it a significant barrier to inclusion on the list. There are many alternative compost test methodologies. EarthShell Packaging has been found to be compostable using a variety of these alternate methods, including full-scale testing conducted by Dr. Patricia Millner, Ph.D. of the USDA Agricultural Research Service. This project was conducted in conjunction with the Department of the Interior, the Environmental Protection Agency and the General Services Administration. Under the current rule, this excellent work, conducted by one of the foremost government experts in the field, would not be considered in meeting the composting requirement for the proposed rule.

Mr. Marvin Duncan October 11, 2006 Page two

Also, products certainly may contain large amounts of biobased materials and not be compostable according to the ASTM D6400 test. This may exclude products that could significantly expand the use of biobased materials and is counter to the goals of the project. The other nine categories in Part II do not include such a requirement.

EarthShell Packaging has a biobased content of 75% as tested by Iowa State University, University Extension. Since it was not originally tested for biobased content, even though the BEES results for EarthShell were included in the published proposed rule, its biobased content wasn't considered when setting the threshold requirement. We recommend that the threshold requirement be set at 72% following the process set out in the proposed rule. This will better meet the goal of inclusion of high performing, biobased products to maximize the use of these materials.

EarthShell Corporation has a longstanding relationship with the USDA through joint research projects and Cooperative Research and Development Agreements (CRADAs). Cooperative work with USDA scientists has refined the EarthShell Packaging formula. Current work under the CRADA focuses on the development of hot beverage cups and the use of alternative starches. The USDA has had a significant hand in the further development of this technology. Their work is supportive of the goals of the USDA.

Again, EarthShell Corporation is supportive of the efforts of the USDA in this proposed rule. We believe that by incorporating these suggested changes, the final rule will better serve the goals of the original legislation and the USDA.

Sincerely,

. 614 644 646

Vincent Truant

Chairman and Chief Executive Officer

EarthShell Corporation

cc: John Nevling

From:

<Luis_delValle@cargill.com>

To:

<fb4p@oce.usda.gov>

Date:

Fri, Oct 13, 2006 1:44 PM

Subject:

Proposed Designation of Items RIN Number 0503-AA31

Dear Marv,

Attached are Cargill comments on 2-cycle oils

Best regards, Luis del Valle

Cargill



Page 1

Cargill Industrial Oils & Lubricants

PO Box 5700, MS 66 Minneapolis, MN 55440 800-842-3631

October 4, 2006

Mr. Marvin Duncan USDA, Office of the Chief Economist Office of Energy Policy and New Uses Room 4059 South Building 1400 Independence Ave SW, MS-3815 Washington, DC 20250-3815

Re: "Proposed Designation if Items" 7 CFR Part 2902 – Part II RIN 0503-AA31

Dear Marvin:

Cargill Industrial Oils and Lubricants (IOL), a business unit of Cargill, Inc. is a leading marketer, manufacturer, and formulator of biobased products, primarily lubricants. Over the last 10 years, Cargill has developed and commercialized various bio-lubes that can meet or exceed the applicable performance standards plus provide an enhanced environmental benefit over conventional petroleum-based lubricants. They are generally made with components derived from domestic, agricultural raw materials.

Cargill commends the USDA for releasing the Part II list of Biobased Items for Federal Procurement. Cargill IOL is hereby pleased to submit the following comments:

- Items Proposed for Designation Cargill commends the USDA for proposing to list 2-Cycle Engine Oils as a designated item. 2-cycle engines are used in a wide variety of applications such as outboard motors, chain saws, leaf blowers, snow blowers, ATV's, snowmobiles, lawn mowers, grass trimers, tillers, edgers, etc. 2-cycle engines are preferred for their very high horsepower to weight ratio and are used by many Federal Agencies including DOD, Coast Guard, Interior, DOE, and the USDA / Forestry. All 2-cycle engines require the use of a 2-cycle engine oil in order to operate. This is an ideal item to help advance the development and usage of bio-based industrial products.
- 2-cycle engine oil performance requirements: Cargill believes that in your initial product review, you failed to consider the MOST CRITICAL SPECIFICATION in your product selection criteria: that is the APPLICABLE PERFORMANCE STANDARD. For the 17 bio-based products you identified, you have listed various physical, chemical, and environmental specifications, but

not the **APPLICABLE PERFORMANCE STANDARDS** that Procuring Agency buyers must rely upon in order to adhere to the statutory "specified or reasonable performance standards" requirement. All world-wide 2-cycle engine manufactures set the usage standard for the 2-cycle engine oils through one of four oil standard setting organizations:

- NMMA (National Marine Manufacturers Association) Their current standard is called TC-W3 and applies to all major outboard engines since the mid 1980's
- API (American Petroleum Institute) Their current standard is called TC and applies to a variety of small air-cooled 2-cycle engines typically used in lawn care.
- o JASO (Japanese Automobile Standards Organization) Their current standards include FA, FB, FC, and FD (with increasing protection against wear, deposit formation, exhaust smoke, and port blocking). These standards are recommended for almost all air-cooled engines of Japanese design.
- o ISO (International Standards Organization) Their current standards include EGB, EGC, and EGD and are basically equivalent to the JASO FB, FC, and FD, respectively.

All these technical associations, through the oil companies and engine manufacturers that support them, have spent millions of dollars developing appropriate tests, protocols, and qualification requirements in order to enable oil formulators to develop and sell oils that meet their engine warranty requirements. The Owner's Manuals of all major OEM's include the listing of one of the above standards to aid consumers / users in their identification of the proper oil to use. In many instances, the standard may be "APPLICATION" dependent (for example, in very high-temperature, high-dust applications, ISO EGD may be recommended over ISO EGC).

Cargill recommends that the USDA re-evaluate the list of 17 bio-based 2-cycle oils and **EXCLUDE** those that **DO NOT** meet one of the above performance standards. By leaving these in the listing, you will inadvertently help promote products that will **HARM** the 2-cycle engine and also give "bio-based" oils a **BAD REPUTATION**.

This concern for the marketing of "sub-par" performing bio-based products was also stated recently by Lou Honary of the University of Northern Iowa's National Ag-based Lubricant Center in the September 13, 2006 *Lube Report*.

- Proposed Minimum Biobased Content of 2-Cycle Engine Oils: Cargill believes that your proposed minimum of 7% is **too low**. It is technically fairly easy to blend in such a relatively small amount of renewable content. We believe you are being overly conservative and unnecessarily limiting the potential volume of biobased consumption. There are a variety of 2-cycle oils with renewable contents in the 30% to 50% range that both meet the above performance standards and are commercially available from different marketers.
- Cargill hereby recommends you set the minimum biobased content for 2-cycle

Page 1

From:

<Luis_delValle@cargill.com>

To:

<fb4p@oce.usda.gov>

Date:

Fri, Oct 13, 2006 1:41 PM

Subject:

Proposed Designation of Items RIN Number 0503-AA30

Dear Marv,

Attached are Cargill comments on Fluid-filled Transformers.

Best regards, Luis del Valle

Cargill

(4)



PO Box 5700, MS 66 Minneapolis, MN 55440 800-842-3631

October 10 2006

Mr. Marvin Duncan USDA, Office of the Chief Economist Office of Energy Policy and New Uses Room 4059 South Building 1400 Independence Ave SW, MS-3815 Washington, DC 20250-3815

Re: Comments on Notice of Proposed Rulemaking: Designation of Biobased Items for Federal Procurement 7 CFR Part 2902 – Part II

Dear Mr. Duncan:

Cargill Industrial Oils and Lubricants (IOL), a business unit of Cargill, Inc. is a leading marketer, manufacturer, and formulator of biobased products, primarily lubricants. Over the last 10 years, Cargill has developed and commercialized various bio-lubes that can meet or exceed the applicable performance standards plus provide an enhanced environmental benefit over conventional petroleum-based lubricants. They are generally made with components derived from domestic, agricultural raw materials.

Cargill commends the USDA for releasing the Part II list of Biobased Items for Federal Procurement. Cargill IOL is hereby pleased to submit the following comments:

- Items Proposed for Designation Cargill commends the USDA for proposing to list Fluid-filled Transformers as a designated item. Electrical transformers are high volume and high dollar purchases made by a wide variety of Federal Agencies including DOD, Interior, DOE, and the USDA / Forestry. This is an ideal item to help advance the development and usage of bio-based industrial products.
- Proposed Minimum Biobased Content of Fluid-filled Transformers: Cargill believes that your proposed minimum of 66% is **too low**. There are two basic types of chemistries used to make bio-based transformer fluid: vegetable oil (i.e soybean oil, sunflower oil, canola oil, etc) and synthetic esters. The vegetable oil based fluids are typically in the 95% plus biobased content range while synthetic ester based fluids are in the 70% range. Since USDA only conducted ASTM D6866 content testing on two out of twelve fluids, you were unable to ascertain

- that many of the other ten fluids were likely vegetable oil based with contents above 95%. There are various commercial suppliers of these fluids in the marketplace that can insure competitive bidding for government contracts.
- Synthetic Ester-based fluids: Ester-based fluids are priced at least twice that of vegetable-based and therefore only used in very extreme, severe applications such as arctic conditions. By adopting a 66% minimum, you would be setting the threshold at a level to include rare specialty applications rather than focus on the mainstream market. It would not likely result in much bio-based purchase volume anyway (due to very high price). You could also potentially create an incentive for the introduction of "vegetable oil mineral oil blends" that would unnecessarily use less bio-based raw materials thereby opposing the intent of FB4P.
- Cargill hereby recommends you set the minimum biobased content for fluid-filled transformers at 90%.

Marvin, I hope these comments are clear and helpful in advancing the FB4P program. Cargill Industrial Oils and Lubricants stands ready to support you any way we can to help you develop the final rule. Please do not hesitate to call me at 952-742-4402.

Sincerely,

Luis del Valle Global Marketing Director Cargill Industrial Oils and Lubricants

Federal Biobased Product Preferred Procurement Program - RIN 0503-AA30 and 0503-AA31, **Proposed Designation of Items**

From:

<Arnold.Dana@epamail.epa.gov>

To: Date: <fb4p@oce.usda.gov> 10/13/2006 12:06:11 PM

Subject: RIN 0503-AA30 and 0503-AA31, Proposed Designation of Items

Mr. Marvin Duncan USDA, Office of the Chief Economist Office of Energy Policy and New Uses Room 4059, South Building 1400 Independence Avenue, SW

MS-3815

Washington, DC 20250-3815

By email

RE: RIN 0503-AA30 and 0503-AA31, Round 2 and Round 3 Proposed Designations of Items

Dear Mr. Duncan:

The Office of the Federal Environmental Executive appreciates the opportunity to provide public comments on the Round 2 and Round 3 proposed designations of biobased products. OFEE supports the effort to create markets for biobased products and, thereby, demonstrate their performance and availability, create additional markets for agricultural crops and by-products, create jobs and, ultimately, reduce U.S. dependence on foreign oil. We appreciate the U.S. Department of Agriculture?s cooperation with NASA and the Department of Defense with regard to excluding space shuttle, combat, and combatrelated applications from the scope of the product designations. We also appreciate USDA?s efforts to create a model affirmative procurement program, upgraded web site, and other tools to assist agencies in purchasing the designated products.

We have several comments on the biobased content levels and information on environmental and public health benefits. In addition, we are attaching comments received from the Department of Defense. OFEE concurs in DoD?s first two comments and requests that USDA work with OFEE and the agencies regarding the incentives issue raised in DoD?s third comment.

Biobased Content Levels. Sections 9002(c) and (g) of the Farm Security and Rural Investment Act require Federal agencies to purchase USDA-designated biobased products containing the highest percentage of biobased products practicable. Section 9002(e) requires USDA to recommend the level of biobased material to be contained in the products. Since USDA?s recommendations are guidance to the agencies for purchasing the designated products, it follows that the recommend biobased content levels should be the maximum practicable. OFEE believes that, for many of the products to be designated in Rounds 2 and 3, USDA should recommend higher biobased content levels.

In some instances, the different content levels revealed by USDA?s testing reflect different applications

for products. OFEE has previously recommended that USDA recommend several content levels, based on the different applications, instead of one content level covering multiple, differing uses. There is precedence for making multiple recommendations in the Environmental Protection Agency?s recycled content products program. USDA recommends multiple content levels for a couple of products based on different applications, but OFEE believes that there are other items for which USDA?s data indicate that multiples recommendations are appropriate.

- Hand cleaners and sanitizers? The proposed content level is 18 percent. However, based on the data in the background information posted on the USDA web site, the level should be closer to 67 percent. Alternatively, if the differences in content levels reflect differences in use or consistency (e.g., gel vs. liquid), then USDA should provide separate recommended content levels for the various uses or consistencies.
- Composite panels? The proposed content level is 26 percent. Based on the data in the background information, the level should be set at 60 percent or higher. Again, if the lower content levels reflect products used for different applications than those with higher content levels, then USDA should provide separate content recommendations.
- Fluid-filled transformers? The proposed content level is 66 percent. Based on the limited data in the background document, the level should be higher. However, given that USDA had very limited data, OFEE recommends that USDA re-consider the content levels if comments received from product manufacturers and vendors support a higher content recommendation.
- Metalworking fluids? The proposed content level is 40 percent. Based on the data in the background information, the level should be higher or USDA should recommend multiple content levels reflecting differences in product use. Alternatively, OFEE suggests that USDA consider recommending a range, similar to the ranges the Environmental Protection Agency recommends for recycled content products.
- Graffiti and grease removers? The proposed content level is 21 percent. Based on the data in the background information, the level should be set at 38 percent or higher. If the lower content levels reflect products used for different applications than those with higher content levels, then USDA should provide separate content recommendations.
- 2-cycle engine oils? The proposed content level is 7 percent. Based on the data in the background information and the information in the preamble, OFEE suggests that USDA recommend multiple content levels reflecting differences in product use. In addition, OFEE is concerned that such a low content level will result in reformulation of petroleum-based oils with a small amount of biobased oils in order to qualify as ?biobased.? That result would be contrary to the objectives of the Farm Security and Rural Investment Act.
- Biodegradable films? The proposed content level is 22 percent. Based on the data in the background information, the level should be set at 52 or 62 percent. Alternatively, USDA should obtain information to justify the claim made in the preamble that Federal agencies need products with a longer shelf-life, thereby supporting the 22 percent content recommendation.
- Stationary equipment hydraulic fluids? The proposed content level is 49 percent. Based on the data in the background information, the level should be set at 64 percent. Alternatively, if the lower content levels reflect products used for different applications than those with higher content levels, then USDA should provide separate content recommendations.
- Glass cleaners? The proposed content level is 23 percent. OFEE believes that, based on the data in the background information, the level should be set at 52 percent. Even if USDA decides to retain the 23 percent level, however, OFEE believes that this level is erroneous and should be 26 percent. According to the data in the background information, USDA found that products had a biobased content ranging from 29 to 100 percent. Therefore, the content level should be 26 percent, not 23 percent.
- Greases? OFEE supports USDA providing multiple biobased content recommendations,

depending on the use of a grease product. Based on the data in the background information, it is not possible to determine whether some the recommended content levels should be higher. OFEE requests that USDA re-characterize the background data by use (e.g., food grade, multipurpose, rail track, etc.). In addition, for greases that will be exposed directly to the environment, such as rail track greases, OFEE requests that USDA do further research and determine whether a higher biobased content level and a biodegradability requirement are appropriate in order to minimize adverse impacts on the environment.

Information on Environmental and Public Health Benefits. OFEE supports USDA?s use of analyses from the BEES model in evaluating products for possible designation. However, OFEE does not agree with USDA that simply providing agencies with tables summarizing BEES analyses satisfies the statutory requirement that USDA provide agencies with information on the public health and environmental benefits of biobased products. The summary tables included in the preamble to the proposed products designation rule do not provide useful information to agencies, because the information is not provided in the context of comparisons with non-biobased products. For example, is a BEES environmental performance total score of 0.2 for a hand cleaner good, bad, or neutral? There is no way of knowing without knowing the scores of competing, petroleum-based items items.

OFEE recommends that USDA provide narrative information and comparative reference points on the environmental and public health benefits of the designated products. This information can be provided in the technical background documents on the USDA web site or in case studies on the web site. Examples of information that could help make a ?best value? determination include the absence of toxic or hazardous constituents found in competing non-biobased products, biodegradability, neutral pH, and whether or not the product must be handled as a hazardous waste or non-hazardous waste at the end of its useful life.

For example, Naval Air Depot (NADEP) Cherry Point , NC evaluated biobased metal working fluids. NADEP found that the product evaluated has a higher flashpoint than products previously used, resulting in better dissipation and less smoke when machining. The product provided better tool life and could perform both as a tapping oil and a metalworking fluid. NADEP concluded that the product? provides a safer and healthier environment due to the use of less hazardous ingredients during the manufacturing process.? <!--[if !supportFootnotes]-->[1] <!--[endif]-->

In summary, OFEE believes that USDA continues to make good progress in implementing the biobased products purchasing program. OFEE looks forward to working with USDA on implementation of this program and increasing Federal agency procurement of biobased products.

Sincerely,

Edwin Pinero Federal Environmental Executive

A ttachment: Department of Defense comments

<!--[if !supportFootnotes]-->
<!--[endif]-->

<!--[if !supportFootnotes]-->[1] <!--[endif]--> ?Cherry Point Prototypes Alternative Metal Working Fluid,? *Currents*, Winter 2006, pp. 48-50

Department of Defense Comments on the USDA Designation of Biobased Items for Federal Procurement Proposed Rule, Rounds II and III

12 October 2006

Comment 1: DoD requests that the rule reflect exemptions for all items used in products and systems designed or procured for combat or combat-related missions and that this exemption be extended to all services and products contracted for combat or combat-related missions."

Discussion: USDA has states that it is inappropriate to apply the requirement unless DOD has documented that such products can meet the performance requirements for such equipment and are available in sufficient supply to meet domestic and overseas deployment needs. DoD experiences to date have reinforced that it is not practical at this time to conduct the testing and evaluation necessary for such performance documentation for all products used in combat.

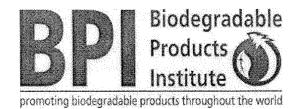
Recommendation: DoD suggests that the goals of the biobased preference program would be better served if DOD focus is on products used for more conventional purposes (similar to commercially available items), rather than extending the requirements to combat uses.

Comment 2: The Defense Supply Center Philadelphia may purchase biobased cutlery to replace the current petroleum-based plastic cutlery in the DLA supply chain for daily dining facilities on military bases, hospitals, Officer's clubs, MWR facilities, etc. It is also being considered for one of DLA's commercial-type group rations, the United Group Ration (UGR). These applications have parallels to commercial uses and can contribute significantly to increasing demand for the biobased product across the economy.

Discussion: However, biobased cutlery, if purchased, may not initially replace the combat tested utensil, heavy duty, long handled spoon in the Meal, Ready-To-Eat. This would not be an option for DoD without extensive review, testing, field test and approval from US Army Natick, ACES, Surgeon General and the Military Services. Applying the procurement preference rule to this combat related product would not result in the multiplied effect across the economy that DLA would expect in the cutlery similar to that used in restaurants across the nation. In other words, a lot of work for the DoD would be required for a relatively marginal gain in the product market.

Comment 3: DoD is concerned with direction on biobased content, based on DLA's experience with cutlery. DLA will most likely start procuring 50% biobased cutlery even though we are well aware that a superior 100% biobased utensil already exists.

Discussion: What are practical ways the Federal Government can find and place incentives in its policies for contractors to develop biobased products with the greatest degree (high %) of biobased content, and measure its success in this regard?



October 2, 2006

Mr. Marvin Duncan USDA, Office of the Chief Economist Office of Energy Policy and New Uses Room 4059, South Building 1400 Independence Ave. SW Washington, DC 20250-3815

Dear Mr. Duncan:

This note provides comments from the Biodegradable Products Institute (BPI), with regard to RIN 0503-AA31 and pertains to Proposed Designation of Biobased Items for Federal Procurement, Parts II and III as published on August 17, 2006 in the Code of Federal Regulations.

The BPI is a multi-stakeholder group, involving people and companies that produce, use or recover biodegradable products. Our goal is to include organizations and individuals ranging from resin suppliers and converters to industry suppliers to waste haulers and composters as well as government officials, scientists and leading academics. The members of the organization strongly support the use of scientifically based standards and specifications for determining biobased content, biodegradable and compostable claims for plastics and packaging materials that contain plastic. Moreover, many of our members utilize renewable materials as feedstocks or in their end-products.

Current based members include leading biodegradable resin suppliers, such as, NatureWorks LLC, Metabolix, DuPont, Novamont, BASF and CerePlast: converters and distributors, such as Innovia Films, Biosphere Industries, Biota Spring Water, Fabri-Kal, Cortec, Heritage Bag, Poly-America Georgia Pacific, and BioBag USA. Additionally, the BPI has strong affiliations with the United States Composting Council, the California Film Extruders and Converters, the Canadian Plastics Industry Association and The Massachusetts Department of Environmental Protection. Additionally the organization works closely with other certification organizations, specifically DIN Certco in Europe and the Biodegradable Plastics Society in Japan.

The BPI continues to applaud USDA's efforts in the Designation of Biobased Items (7 CFR Part 2902 Parts II and III) to use ASTM specifications and standards for 'biodegradability' and "compostability' in the products identified as "Biodegradable Containers" (Part II group 6), "Biodegradable Films" (Part III

group 3) and "Biodegradable Cutlery" (Part III group 5) where this characteristic is valuable.

Biodegradability and compostability of single use, disposable plastic items is very important benefit. In this way, they can be composted along with food wastes and yard trimmings and their carbon can be returned to the soils (as humus or compost). Thus, they become the nutrients for the next round of biobased materials. Importantly, composting of food scraps can significantly reduce global warming gases, when compared to landfilling. In addition, compost can be used to mitigate the impacts of erosion and storm water runoff into streams, rivers and lakes.

It is important to note that the composting infrastructure continues to grow. According to the US Environmental Protection Agency, the US composts 56% of its yard trimmings. Moreover, food waste composting programs are starting to expand as communities look for ways to increase their overall diversion rates. For example, San Francisco & Oakland, CA, Portland, OR and Seattle WA, all have vibrant food scrap diversion efforts. Moreover, you can find similar types of programs in Minnesota, Missouri, Massachusetts, New Jersey and North Carolina.

Compostable, biobased materials can play a critical role in all forms of composting efforts, ranging from bags for collection to cutlery and containers.

Overall Recommendations:

- The biodegradability requirements for each of the 3 groupings can be identical, in that the products
 - Should meet ASTM D6400 "Specification for Compostable Plastics" or
 - o Should meet EN 13432
 - This European Norm has superseded DIN 54900.
 - Are approved by the BPI.
 - See attachments 1-3 for specific wording.
- The groupings and labeling requirements should stress the "compostability" of the products, in order to better qualify with the FTC Guides on Environmental Labeling.
 - O By labeling the items as "compostable", USDA is providing direction on the proper disposal and recovery for disposable biobased products. Biodegradability is an important component of compostable materials. However, consumers may mistakenly think that biodegradable products should be landfilled. Rather, these products should be "recovered" and "recycled" via composting.

- Consideration should be given to lowering the minimum biobased content for biodegradable containers (Part II, group 6) by 10 pts to 85%.
 - This segment of the market is still very new, as evidence by the fact that only 6 containers were found and only 2 provided biobased percentages.
 - o The 85% minimum is still significantly higher than the that of biodegradable films and cutlery.
 - o The lower threshold should enable the properties of these materials to be expanded and for more applications to be marketed.
 - o The USDA can always raise the minimum contents in the future as the market becomes more fully developed.

Attached please find proposed language the titles and introductory paragraphs of each of the three groupings.

The BPI and its members greatly appreciate the opportunity to participate in the process.

Sincerely,

Steven A. Mojo

BPI Executive Director

Attachment 1

Proposed language for Biodegradable Containers:

6. Compostable and Biodegradable Containers

Compostable and biodegradable containers represent that group of products capable of complying with the specifications established in the biodegradability standard ASTM D6400 "Standard Specifications for Compostable Plastics" and designed to be used for temporary storage or transportation of materials, such as food items. Products in this item are typically used by quick-serve restaurants, food management companies, universities, and government organizations. Biobased biodegradable containers are typically produced from natural starch-based or synthetic corn-based feedstocks and are readily biodegradable through composting.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in spacecraft systems and launch support equipment.

For biobased biodegradable containers, USDA identified four different manufacturers producing six individual biobased products. These four manufacturers do not necessarily include all manufacturers of biobased biodegradable containers, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that each of these products has been tested against one or more industry performance standards and is being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D6400, "Standard Specification for Compostable Plastics" or
- EN 13432: "Packaging-Requirements for Packaging through Composting and Biodegradation. Test Scheme and Evaluation Criteria for Final Acceptance of Packaging" or
- Certification by the Biodegradable Products Institute, insuring that compostable plastic products will biodegrade and compost satisfactorily in professionally managed compost facilities.

USDA attempted to gather data on the potential market for biobased products within the Federal government as described in the section on adhesive and mastic removers. These attempts were largely unsuccessful. However, Federal agencies routinely perform, or procure contract services to perform, activities such as food preparation and materials storage that utilize containers. Thus, they have a need for containers and for services that require the use of containers.

Designation *labeling as "Compostable* containers" containers will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental.... continue

Additional Specific Comments:

The designation ASTM D6400-04 should be shortened to ASTM D6400, as shown above. The -04 indicates that the year that the standard was last approved. By deleting the -04, the USDA documents will always refer to the most current version of the standard. (Otherwise, you will need to change the USDA documents every time a standard is re-approved).

Attachment 2

3. *Compostable &* Biodegradable Films *Compostable and* biodegradable films are used in *bags*, packaging, wrappings, linings, and other similar applications and are capable of meeting ASTM D6400 standards for compostability and biodegradability.

For defining this designated item, *compostable and* biodegradable films do not include films used for agricultural purposes (such as films that would be used to cover fields) and durable films. Durable films will be proposed as a separate item for preferred procurement.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in spacecraft systems and launch support equipment.

For biobased *compostable and* biodegradable films, USDA identified 15 different manufacturers producing 45 individual products. These 15 manufacturers do not necessarily include all manufacturers of biobased biodegradable films, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against one or more industry performance standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D6400, "Standard Specification for Compostable Plastics" or
- EN 13432: "Packaging-Requirements for Packaging through Composting and Biodegradation. Test Scheme and Evaluation Criteria for Final Acceptance of Packaging" or
- Certification by the Biodegradable Products Institute, insuring that compostable plastic products will biodegrade and compost satisfactorily in professionally managed compost facilities.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on 2-cycle engine oils. These attempts were largely unsuccessful. However, Federal agencies routinely procure products, such as trash can liners, leaf collection bags, and packaging materials, that are made from *compostable and* biodegradable films. In addition, many Federal agencies contract for services involving the use of such products. Thus, they have a need for products made from *compostable and* biodegradable films and for services that use products made from biodegradable films.

Designation *labeling as "Compostable films"* will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental ... continue

Additional Specific Comments

Delete the reference to "Deutsches Institut fur Normung, the German Institute for Standardization #DIN V 54900 Standard for testing the compostability of polymeric materials". The use of this German Standard has been replaced by the use of the European Norm EN 13432.

Attachment 3

5. Compostable & Biodegradable Cutlery

Compostable and biodegradable cutlery is a group of products that is used as hand-held, disposable utensils designed for onetime use in eating food and that is capable of meeting ASTM *D6400*, standard for *compostability and* biodegradability.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in spacecraft systems and launch support equipment.

For biobased *compostable and* biodegradable cutlery, USDA identified 7 different manufacturers producing 15 individual biobased products. These 7 manufacturers do not necessarily include all manufacturers of biobased biodegradable cutlery, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against one or more industry performance standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D6400, "Standard Specification for Compostable Plastics" or
- EN 13432: "Packaging-Requirements for Packaging through Composting and Biodegradation. Test Scheme and Evaluation Criteria for Final Acceptance of Packaging" or
- Certification by the Biodegradable Products Institute, insuring that compostable plastic products will biodegrade and compost satisfactorily in professionally managed compost facilities.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on 2-cycle engine oils. These attempts were largely unsuccessful. However, many Federal agencies routinely perform, or procure contract services to perform, food preparation and distribution activities that utilize disposable cutlery. Thus, they have a need for disposable cutlery and for services that require the use of disposable cutlery.

Designation and *labeling as* "Compostable cutlery" will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental... continue

Specific Additional Comments

Delete the reference to ASTM D5338 and D5209. These tests only measure the extent of biodegradation under 2 different disposal conditions. These tests DO NOT contain "pass/fail" criteria for making claims. ASTM D6400 is a specification, which has the appropriate requirements for supporting claims.

For example, the BPI has seen test results from a manufacturer's where on 5.2% of the material biodegraded using ASTM D5338. This falls far short of the FTC requirements that the "entire product" returns to elements found in nature.

Delete the reference to "Deutsches Institut fur Normung, the German Institute for Standardization #DIN CERTCO 54900 Standard for testing the compostability of polymeric materials." The European Norm EN 13432 has replaced this German standard.

From:

"Jacqueline L. Garmier" < jgarmier@renewablelube.com>

To:

"Marvin Duncan" <FB4P@oce.usda.gov>

Date:

10/16/2006 3:52:46 PM

Subject:

RIN for Round 3 is 0503-AA31

Dear Marvin, These are my Comments to Round 3. Thank you for the fine work that you are performing on the designated items. These comments are only to help all biobased manufactures succeed in the market of selling to the government. Giving an unfair advantage to the petroleum companies will not help biobased manufactures of biobased lubricants sell in the future and stay in business.

Metalworking Fluids - Products formulated for use in a re-circulating fluid system to provide cooling, lubrication, and corrosion prevention when applied to metal feedstock during operations such as grinding and machining.

2-Cycle engine oils - Lubricants formulated to provide clean-burning lubrication, decreased spark plug fouling, reduced deposit formation, and reduced engine wear in 2-cycle gasoline engines. This needs to be modified to make better understanding.

This product is totally lost into the environment. In Marine applications the 2-Cycle oil is directly discharged into the water.

Why not just use a full petroleum product and save your money? This low of a content will ruin biobased manufactures in the market. The petroleum companies will just add enough veg oil to meet the minimum and we loose our product advantage to the big petroleum companies. The EU Two Cycle oils are at least biodegradable. 7% biobased content will not even pass the ASTM-5865 Biodegradation Classification

This is a quote from the industry and describes the products used in Montana years ago. "(Castrol) Formula XPS synthetic two-stroke oil (a synthetic biodegradable lube with solvent) which is biodegradable and produces lower particulate emissions; and TORCO Synthetic Smoke-Less 2-Cycle Oil, a fully synthetic lube oil that is low particulate but not biodegradable."

Stationary equipment hydraulic fluids - Hydraulic fluids formulated for use as a mechanical power transmission medium (and to provide wear, rust, and oxidation protection) in the hydraulic systems of stationary equipment. This needs to be modified to make better understanding.

Greases - Lubricants composed of oils thickened with soaps or other thickeners to a semisolid or solid consistency.

This needs to be modified to make better understanding.

Food grade grease - Lubricants that are designed for use on food-processing equipment as a protective anti-rust film, as a release agent on gaskets or seals of tank closures, or on machine parts and equipment in locations in which there is exposure of the lubricated part to food. Used where the lubricants may have incidental contact with the Food.

`Too High of a biobased content Lower to 40%

We will not be able to get the proper EP additives to make NLGI EP Grease #2 When formulating a grease the additives and thickeners are not biobased at this time. In order to formulate a high performance FG grease we need to use these additives. This higher content will keep us under the biobased content when formulating a NLGI # 2 and # 1.

Multipurpose grease - Lubricants that are designed for general use. This could have a better definition. This needs to be modified to make better understanding.

Multipurpose Grease content is Too High of a biobased content Please Lower to 40%



We will not be able to get the proper EP additives to make NLGI EP Grease #2 When formulating a grease the additives and thickeners are not biobased at this time. In order to formulate a high performance Multipurpose grease we need to use these additives. This higher content will keep us under the biobased content when formulating a NLGI # 2 and # 1.

Rail track grease - Lubricants that are designed for use on railroad tracks or heavy crane tracks. This needs to be modified to make better understanding.

Very low at least 50% TOTAL lost in the environment

Truck grease - Lubricants that are designed for use on the fifth wheel of tractor trailer trucks onto which the semi-trailer rests and pivots. Too High of a biobased content Lower to 50% We will not be able to get the proper additives to make NLGI EP Grease #2

Greases not elsewhere specified - Lubricants that meet the general definition of greases as defined in the rule, but are not one of the specifically defined greases in the rule. This needs to be modified to make better understanding.

Too High of a biobased content Lower to 50% We will not be able to get the proper additives to make NLGI EP Grease #2

RLI suggested content

Metalworking fluids 40%

2-Cycle engine oils

7% Very low at least 50% TOTAL Lost

Stationary equipment hydraulic fluids 46%

Food grade grease 42% High 40%

Multipurpose grease 73% Very High 40

73% Very High 40%

Rail track grease 30% Low at

Low at least 50% TOTAL Lost

Truck grease

72% Very high 50%

Greases not elsewhere specified

75% Very high 50%

Marvin, Perhaps you need another Stakeholder Meeting to clear up some of the definitions and the biobased content. Having read the definitions I think we you should go back to the OEM definitions of for example Two Cycle Engine oil.

Please call if you have any questions.

Best regards,

Jackie

Jacqueline L. Garmier, President Renewable Lubricants, Inc. 476 Griggy Rd. N.E., P.O. Box 474 Hartville, OH 44632-0474

Voice: 330-877-9982 Fax: 330-877-2266 Mobile: 330-704-1239

Web: www.renewablelube.com

CC:

"Marvin R. Duncan" <Mduncan@oce.usda.gov>

From:

"Deborah R. Lema" <dlema@hostdry.com>

To:

<fb4p@oce.usda.gov>

Date:

Mon, Oct 16, 2006 4:45 PM

Subject:

Comments: OEPNU Proposed Designation of Items 0503-AA31

Comments re: Proposed Guidelines for Designating Biobased Products for Federal Procurement, 0503–AA31

We feel that the inclusion of Carpet and Upholstery Cleaners as a Biobased/BioPreferred category for procurement is a viable step.

Regarding performance measurements for this item, may we suggest looking at the Green Seal 37 for carpet cleaners standard, which not only covers many environmental, health, and training issues, also covers performance testing via several industry standards. The EPA's Design for the Environment program doesn't include performance testing, and the Canadian EcoLogo program doesn't include absorbent compound cleaners. The Navsea 6840 standard, which is currently the only listed standard in the Register and is not an industry standard, includes only liquid concentrate products. We would therefore warn against limiting a product's acceptance as BioPreferred to a particular standard, as there are other biobased styles of cleaning products. We think that the Green Seal 37 standard is the most thorough and encompassing industry standard for this item, and is cited in the US Green Building Council's requirements for carpet cleaners and many local/state governments as well. http://greenseal.org/certification/standards/gs37.pdf There is not a current industry standard for the performance of upholstery cleaning chemicals.

While we respect that the USDA wants as many biobased products as possible to be available for procurement and therefore proposes to set the minimum biobased content level at 34%, we find that to be a low number and would like to see it higher so that our marketing is more meaningful. The word "biobased" implies a minimum of 51%.

Additional health/environmental tidbits for consideration in the FB4P site as requested in the Register:

- * Using a dry carpet cleaning method or a cold water method instead of a hot water method saves energy (no water to heat).
- * Using a dry or low-moisture carpet cleaning method saves water. In fact, the following suggest on their web sites, "Switch from wet or steam carpet cleaning methods to dry powder methods."

Maryland Department of the Environment
Pennsylvania Department of Environmental Protection
lowa Association of Municipal Utilities
Conrad Hilton College, University of Houston
Partners for a Clean Environment (Boulder, CO)
Association of Manitoba Utilities
American Hotel and Lodging Association
Southwest Florida Water Management District
Yazoo Mississippi Delta Joint Water Management District
New Mexico Office of the State Engineer and Interstate Stream
Commission
City of Greeley, CO



City of Bremerton, WA
City of Tampa, FL
Santa Barbara County
North Carolina Pollution Prevention and Environmental Assistance
Water Corporation, Australia

- * Water extraction methods humidify buildings, and since humid air is more difficult to cool than dry air, air conditioners are forced to run harder and longer. This is an unecessary use of energy in order to prevent mold growth and return the carpet to traffic.
- * Some carpet cleaning products have clean recycled content.
- * In most municipalities, liquid carpet cleaning wastes must by law be disposed of in the sewer system or at a treatment facility; biobased dry carpet cleaning waste, however, may be disposed of in a landfill to biodegrade, or can even be composted to help minimize the waste stream.
- * Carpet cleaners that make kill/removal claims of such organisms as dust mites are required by law to carry an EPA registration number, showing that their studies proving such claims have been reviewed by the EPA.

"While it is a general rule to dry carpet in less than 24 hours to reduce the chance for mold growth, optimal drying time is less than 4 hours." --National Institute of Building Sciences, IEQ: Operations and Maintenance

"The residual moisture left after the shampoo process when using water or steam negatively impacts indoor-air quality." --US Department of the Interior

"Often steam cleaning carpets increase the growth of mites & molds, instead of reducing."

<><>'Steam cleaning carpets does not remove the cat allergen and increases the growth of mites and molds."--Childhood Asthma Initiative, Home Visit Environmental Assessment Recommendations (Resources developed by Childhood Asthma Initiative Projects were made possible through the support of First 5 California in partnership with the California Department of Health Services.)

Deborah Lema
Research and Education
Racine Industries, Inc.
1405 Sixteenth Street
PO Box 1648

Racine, WI 53403 dlema@hostdry.com www.hostdry.com From:

"Patrick McShane" < PMcshane@cooperpower.com>

To:

<fb4p@oce.usda.gov>

Date:

-Mon, Oct 16, 2006, 4:36 PM

Subject:

Proposed Designation of Items, RIN No. 0503-AA30,

Att: Mr. Marvin Duncan

Attached is Cooper Power Systems comment regarding Part II Notice of Proposed Rule Making for the FB4P program. Thank you for your consideration of our recommendation.

Regards,

C. Patrick McShane

Global Product Manager - Dielectric Fluids

Phone: 262-524-4591 Fax: 262-953-5292

E-Mail: cpmcshane@cooperpower.com

WEB: www.cooperpower.com

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Cooper Industries Cooper Power Systems Division



October 16, 2006

Mr. Marvin Duncan USDA, Office of the Chief Economist Office of Energy Policy and New Uses Room 4059 South Building 1400 Independence Ave SW, MS-3815 Washington, DC 20250-3815

Re: Comments on Notice of Proposed Rulemaking: Designation of Biobased Items for Federal Procurement 7 CFR Part 2902 – Part II

Dear Mr. Duncan:

Cooper Power Systems (CPS) is a leading marketer, manufacturer, and innovator in electrical distribution equipment, including transformers and specialty dielectric coolants for transformers. Originally developed as substitutes for banned PCB based transformer fluids, CPS began commercializing fire resistant (>300°C fire point) in 1975 using paraffinic petroleum and in 1984 synthetic ester based transformer fluids.

More recently, CPS has developed and commercialized a > 95% biobased transformer fluid that can meet or exceed the applicable transformer performance standards. The fluid provides a domestic, renewable, non-toxic, and readily biodegradable base oil source option to the industry. It also has the benefit of significantly reducing the fire hazard and extending transformer operational life compared to conventional petroleum-based.

CPS commends the USDA for proposing to list Fluid-filled Transformers as a designated item. Electrical transformers are high volume and high dollar purchases made by a wide variety of Federal Agencies including DOD, Interior, DOE, Department of State, and the USDA / Forestry. This is an ideal item to help advance the development and usage of bio-based industrial products.

Our only concern with the Notice of Proposed Rulemaking, is that the proposed minimum biobased content of biobased fluid-filled transformers listed in Section 2902.20. CPS believes that the proposed minimum of 66% is **too low**.

There are currently over 20,000 functioning transformers produced by more than two dozen domestic manufacturers in at least 100 domestic electric utilities filled with >95% vegetable oil based dielectric coolants from at least two fluid manufacturers. There is no technical reason to reduce the minimum content to such a low value.

We suggest using a minimum biobased carbon content of 90%.

Anything less, and it could be an incentive for suppliers to dilute the more expensive biobased base oil with cheaper petroleum oils. By such a dilution, the result would be using less biobased oils, increasing the fire hazard, and reducing the environmental benefits.

Please feel free to contact me if you have any questions or desire any additional information.

Sincerely,

Patrick McShane

C. Patrick McShane Global Product Manager Cooper Power Systems

Phone: 262-524-4591

e-mail: cpmcshane@cooperpower.com

From:

<gknapp@chemtool.com>

To:

<fb4p@oce.usda.gov>, <ewarner@chemtool.com>

Date:

Tue, Oct 17, 2006 8:38 AM

Subject:

RIN number 0503-AA31 and "Proposed

(gy)

Dear Sirs:

Chemtool Incorporated is the largest manufacturer of grease in North America and one of the largest grease manufacturers in the world. Chemtool also manufactures many kinds of lubricating oils, hydraulic oils, cutting oils and coolants as well as adhesives and many other chemical based products.

Chemtool already manufactures many biobased products and intends to be on the forefront of developing and marketing many more of these products.

That said, Chemtool wishes to offer the following comments / recommendations regarding the proposed amendment to 7 CFR part 2902, Guidelines for Designating Biobased Products for Federal Procurement.

On page 18, section 4, Stationary Equipment Hydraulic Fluids 2902.29

This Designated item for Hydraulic Oils For Stationary Equipment is fine, but there also needs to be a sub-category for the hydraulic oil used in Mobile Equipment. This is an application where biobased lubricants should easily exhibit a functional advantage, in that a properly formulated biobased hydraulic lubricant should be able to minimize cleanup and remediation costs by decomposing much more readily when there is a spill in the field - an all too common occurrence. This is an area where the usual cost disadvantage can potentially be offset by a real advantage.

On page 13, section 7, Grease 2902.32.

grease composition (i.e., greases made with clay thickeners versus those made with metallic soap thickeners)

This is fine as far as it goes; but, not all greases are thickened with

metallic soaps and/or clays. Some are thickened with polymers and some with other forms of solids. For instance, one major class of grease is thickened with Polyurea (this type of grease is found in the drive axles on front wheel drive cars). This is a huge market!

Food grade greases, multipurpose greases, rail track greases, fifth wheel (coupling plate between the tractor trailer truck and the semi-trailer) greases, and greases that do not fit any of the other four subcategories.

Once again, some of these subcategories are fairly specific, but we recommend that you add Heavy Duty grease with EP (Extreme Pressure) additives for the very heavily loaded joints often found in heavy duty earthmoving equipment. Also, there are many applications that need Water Resistant Greases and Greases for very high and very low temperatures. All of these subcategories would need to be investigated before minimum composition requirements could be established, but the need exists today for these types of grease, so we recommend that you establish the subcategory and allow potential suppliers to offer products to fill those needs.

Please feel free to call or E'Mail either:

George Bliss, Marketing Manager for Biobased Products at 312-217-0510 or GEOBLISS@aol.com

Gary Knapp, Technical Services Manager at 309-674-6744 or GKnapp@Chemtool.com

Chemtool wishes to participate in future discussions in matters regarding biobased products, so please add George Bliss and Gary Knapp tp your mailing lists.

Best regards,

Gary Knapp

Chemtool Incorporated

Office 309-674-6744

Cell 309-256-2185

Dear Sirs:

Chemtool Incorporated is the largest manufacturer of grease in North America and one of the largest grease manufacturers in the world. Chemtool also manufactures many kinds of lubricating oils, hydraulic oils, cutting oils and coolants as well as adhesives and many other chemical based products.

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at 312-217-0510

or

GEOBLISS@aol.com

Gary Knapp, Technical Services Manager GKnapp@Chemtool.com

at 309-674-6744

or

Chemtool wishes to participate in future discussions in matters regarding biobased products, so please add George Bliss and Gary Knapp tp your mailing lists.

Best regards,

Gary Knapp

Chemtool Incorporated

Office 309-674-6744

Cell 309-256-2185